

EXHIBIT 1

Knobbe Martens

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Ali S. Razai
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November 11, 2021

VIA FEDERAL EXPRESS

Hisao Kushi
Chief Legal Officer
Peloton Interactive, Inc.
125 West 25th Street, 11th Floor
New York, New York 10001

Re: lululemon athletica canada inc.'s ("lululemon") Intellectual Property Rights

Dear Mr. Kushi:

We represent lululemon in connection with its intellectual property matters. We write regarding Peloton's infringement of lululemon's patent and trade dress rights as well as Peloton's possible misappropriation of lululemon's trade secret rights.

As you know, lululemon is one of the world's most iconic brands. The company is a leading designer and retailer of technical athletic apparel, including products for yoga, training, cycling, running and other fitness activities. lululemon's designers work tirelessly to design and develop innovative products that will appeal to its customers and prospective customers. lululemon's products are instantly and universally recognized for their innovation and distinctive style.

Recognizing the popularity and quality of lululemon's products and designs, Peloton worked with lululemon to sell co-branded lululemon apparel through Peloton's retail outlets, including Peloton's website. When Peloton's relationship with lululemon ended, Peloton started selling its own copies of lululemon's iconic products, including for example Peloton's Strappy Bra, Cadent Laser Dot Legging, Cadent Laser Dot Bra, High Neck Bra, and Cadent Peak Bra. These copies of lululemon's products infringe lululemon's patent rights, including U.S. Design Patent Nos. D709,668, D759,942, D798,539, D836,291, D903,233, and D923,914 (collectively, the "lululemon Patents"), as shown in Appendix A.

The Federal Circuit has held that a design patent is infringed if the accused product looks substantially similar, in light of the existing prior art, to the patented design in the eyes of an ordinary observer. *Egyptian Goddess, Inc. v. Swisa, Inc.*, 543 F.3d 665, 682-83 (Fed. Cir. 2008). As can be seen in the side-by-side comparisons of representative figures from the lululemon Patents and photographs of Peloton's accused products shown in Appendix A, Peloton's copies of lululemon products are more than just "substantially similar" to lululemon's patented designs.

Peloton has also copied the trade dress of lululemon's highly distinctive lululemon Align pant. lululemon introduced the lululemon Align pant in 2015, and it quickly became one of the most iconic products in the space. The lululemon Align pant is now one of the best-selling athletic pant designs in history. The design of the lululemon Align pant has become uniquely associated with lululemon and

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serves as its trade dress. As shown in Appendix B, Peloton's One Luxe Tight uses the lululemon Align Trade Dress. This is likely to cause confusion, mistake, or deception as to the affiliation, connection, association, or sponsorship of the infringing product with lululemon.

lululemon has an important duty to its customers and the public to protect the integrity of its brands and to ensure that customers and the public are not mistakenly confused as to the source of goods or services provided under its trade dress. Peloton's infringing use of lululemon's Align trade dress is likely to confuse the relevant public and severely damage lululemon's hard-earned reputation, goodwill, and its iconic brand.

lululemon demands that Peloton immediately stop infringing the lululemon Patents and the Align Trade Dress and that you provide an accounting of all sales and distribution of the above-identified infringing products.

During the course of the parties' relationship, Peloton was bound by lululemon's strategic sales retailer agreement ("Agreement"), which governed the parties' co-branding arrangement. Under the Agreement, Peloton was, for example, obligated to maintain the confidentiality of and not make any unauthorized use of lululemon's proprietary, confidential, and/or trade secret information, including for example lululemon's confidential technical information, designs, know-how, and methodology. lululemon's inspection of Peloton's infringing products indicates that Peloton may have used lululemon's proprietary and trade secret information in creating at least the Peloton products identified in this letter. This information includes, for example, lululemon's confidential designs, specifications, and other proprietary technical information that lululemon shared with Peloton under the Agreement.

Pursuant to the Agreement, lululemon demands that Peloton immediately return all originals and copies of any information, records and materials lululemon exchanged with Peloton as well as any information developed therefrom ("lululemon Materials"). lululemon further demands that Peloton describe in detail how the lululemon Materials were maintained by Peloton, provide technical logs that identify who accessed any of the lululemon Materials, and provide the title and job description for each such person. lululemon also demands that you provide all email communications that attach, reference, or discuss any lululemon Materials. Once Peloton provides this accounting, lululemon will provide additional requirements so it can ensure that its proprietary and trade secret information is properly safeguarded.

Please provide this information and confirm by **November 19, 2021**, that you will fully comply with lululemon's requests herein, otherwise lululemon will file a Complaint for patent and trade dress infringement and trade secret misappropriation in federal court.

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Nothing in this letter shall be construed to constitute an express or implied waiver of any rights or remedies that lululemon may have or hereafter obtain in connection with this matter, all of which are hereby expressly reserved. In addition, this letter is not intended to be a complete recitation of the facts or causes of action relating to this matter.

Very truly yours,



Ali S. Razai

Enclosures:

Appendix A

Appendix B

U.S. Design Patent No. D709,668

U.S. Design Patent No. D759,942

U.S. Design Patent No. D798,539

U.S. Design Patent No. D836,291


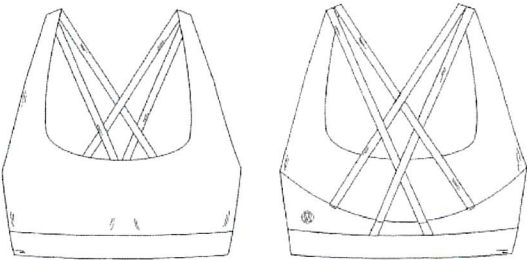
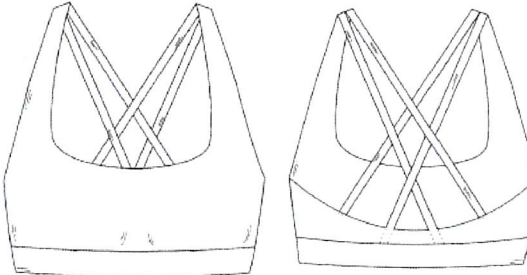
U.S. Design Patent No. D903,233

U.S. Design Patent No. D923,914

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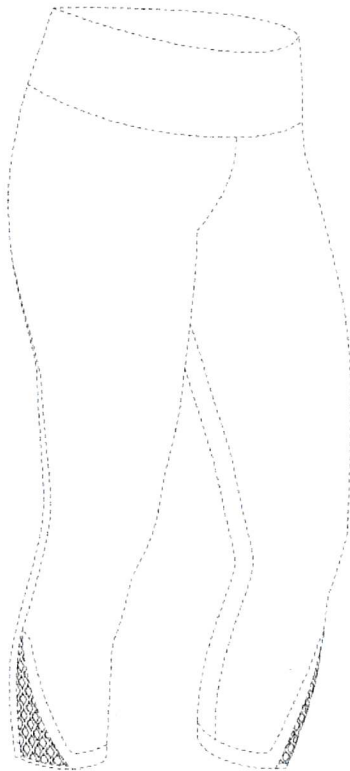
APPENDIX A

Peloton Strappy Bra

Accused Product	lululemon Patent
	<p data-bbox="911 338 1333 369">U.S. Design Patent No. D709,668</p> 
	<p data-bbox="911 758 1333 789">U.S. Design Patent No. D759,942</p> 


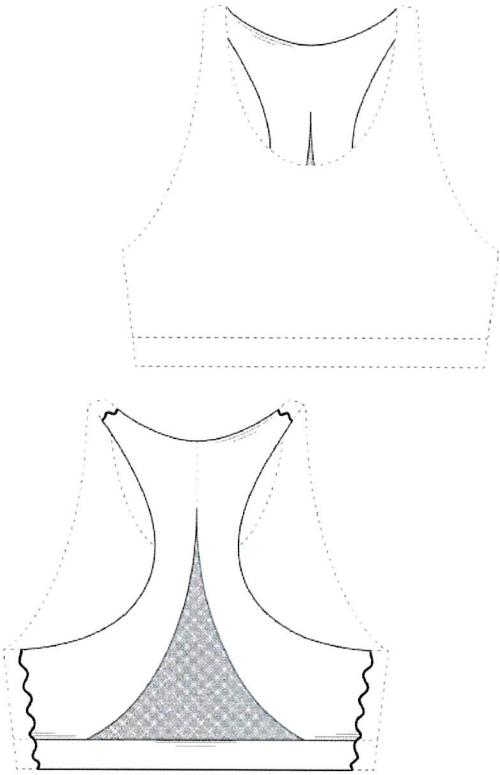
APPENDIX A

Cadent Laser Dot Legging

Accused Product	lululemon Patent U.S. Design Patent No. D798,539
	


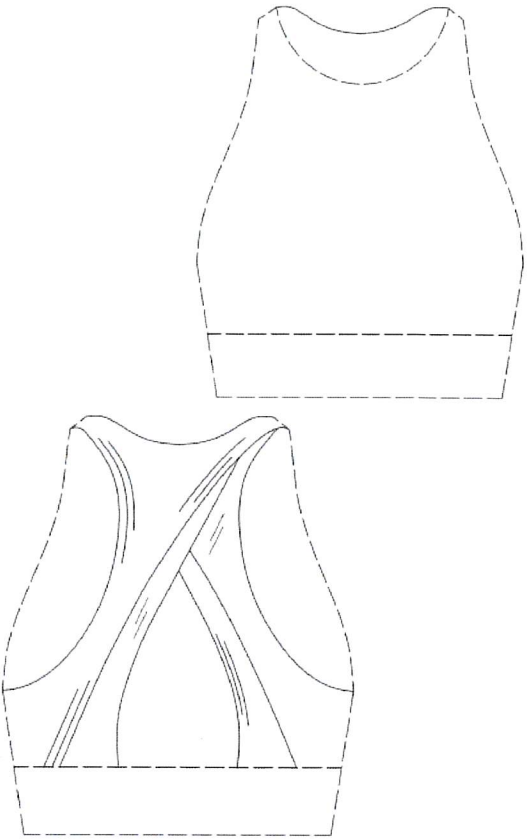
APPENDIX A

Peloton Cadent Laser Dot Bra

Accused Product	lululemon Patent U.S. Design Patent No. D836,291
	

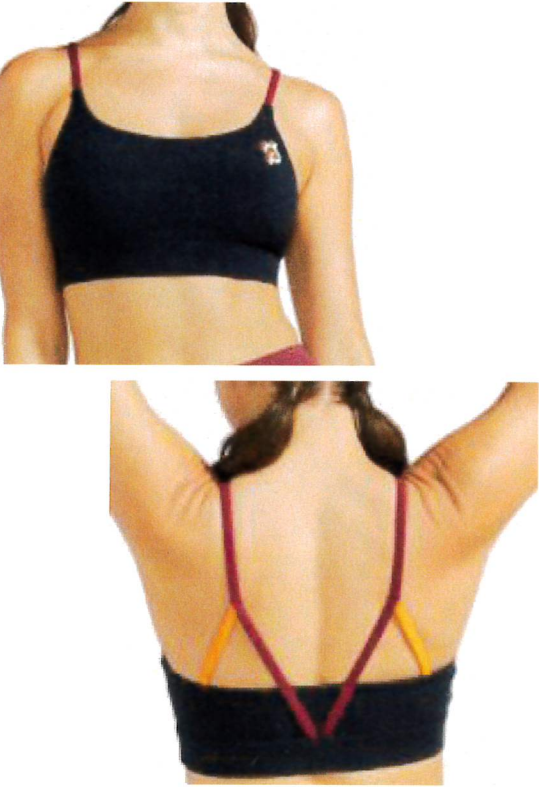

APPENDIX A

Peloton High Neck Bra

Accused Product	lululemon Patent U.S. Design Patent No. D903,233
	

APPENDIX A

Cadent Peak Bra

Accused Product	lululemon Patent U.S. Design Patent No. D923,914
	

54505001

APPENDIX B

Peloton Strappy Bra

One Lux Tight	lululemon Align® Trade Dress
	

54570767



US00D709668S

(12) **United States Design Patent**
Martz

(10) **Patent No.:** **US D709,668 S**

(45) **Date of Patent:** **** Jul. 29, 2014**

(54) **BRA**

(75) **Inventor:** **Natalie Anne Martz, Vancouver (CA)**

(73) **Assignee:** **Lululemon Athletica Canada Inc.,
Vancouver (CA)**

(**) **Term:** **14 Years**

(21) **Appl. No.:** **29/417,022**

(22) **Filed:** **Mar. 29, 2012**

(51) **LOC (10) Cl.** **02-01**

(52) **U.S. Cl.**

USPC **D2/708**

(58) **Field of Classification Search**

CPC **A41C 3/0057; A41C 3/0014**

USPC **D2/700, 701, 702, 703, 704, 705, 706,**

D2/707, 708, 709, 710, 731, 737, 793, 829,

D2/841; 2/67, 69, 104, 109; 450/1, 2, 34,

450/86

See application file for complete search history.

(56) **References Cited**

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2009/0270013 A1* 10/2009 Clair et al. 450/30
2014/0031775 A1* 1/2014 Criss 604/355

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Primary Examiner — Karen E Eldridge Powers

(74) *Attorney, Agent, or Firm* — McCarthy Tetrault LLP

(57)

CLAIM

The ornamental design for a bra, as shown and described.

DESCRIPTION

FIG. 1 is a front view of a bra according to a first embodiment of the design;

FIG. 2 is a rear view thereof;

FIG. 3 is a right side view thereof;

FIG. 4 is a left side view thereof;

FIG. 5 is a top view thereof;

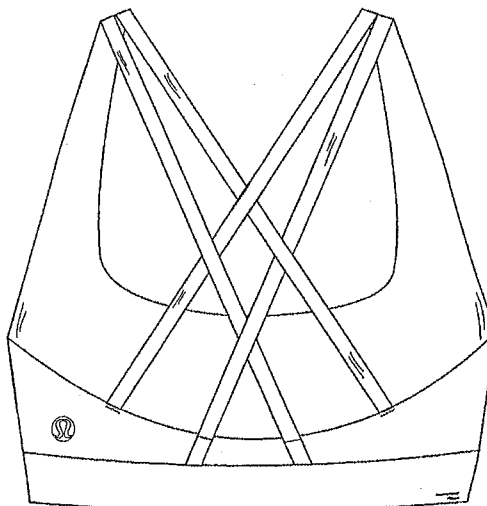
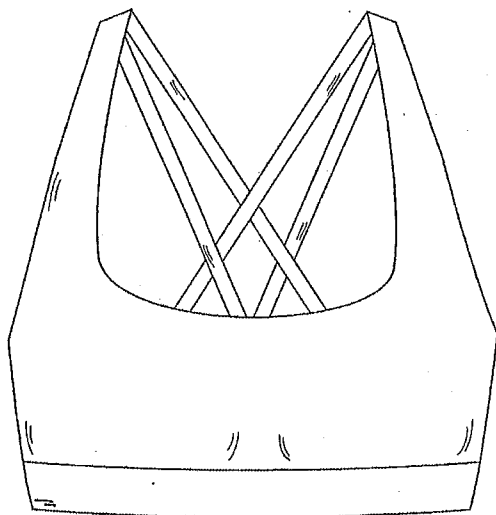
FIG. 6 is a front perspective view thereof;

FIG. 7 is a rear view of a bra according to a second embodiment of the design, the front, left side, top, and front perspective views being the same as FIGS. 1 and 4-6, respectively; and,

FIG. 8 is a right side view thereof.

The symbol depicted in FIGS. 7-8 forming part of the claimed design is a registered trademark of Lululemon Athletica Canada Inc.

1 Claim, 8 Drawing Sheets



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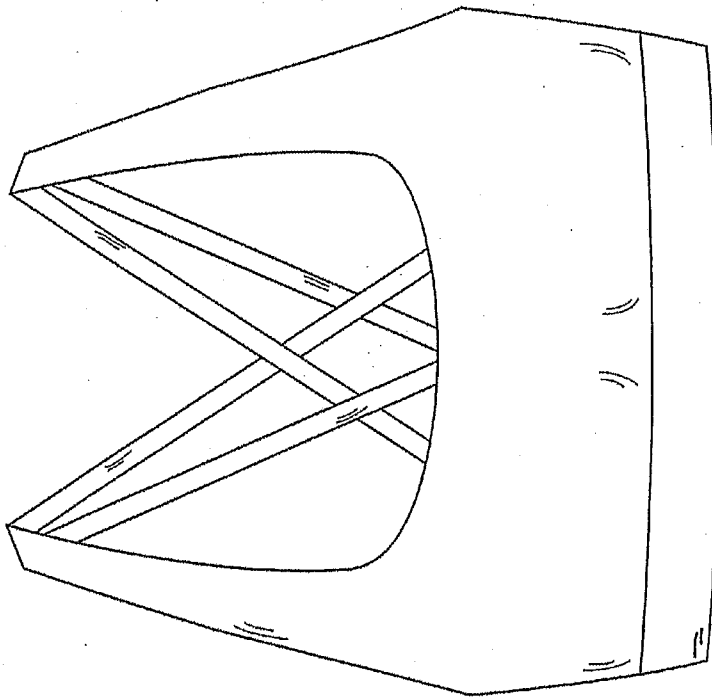


Fig. 1

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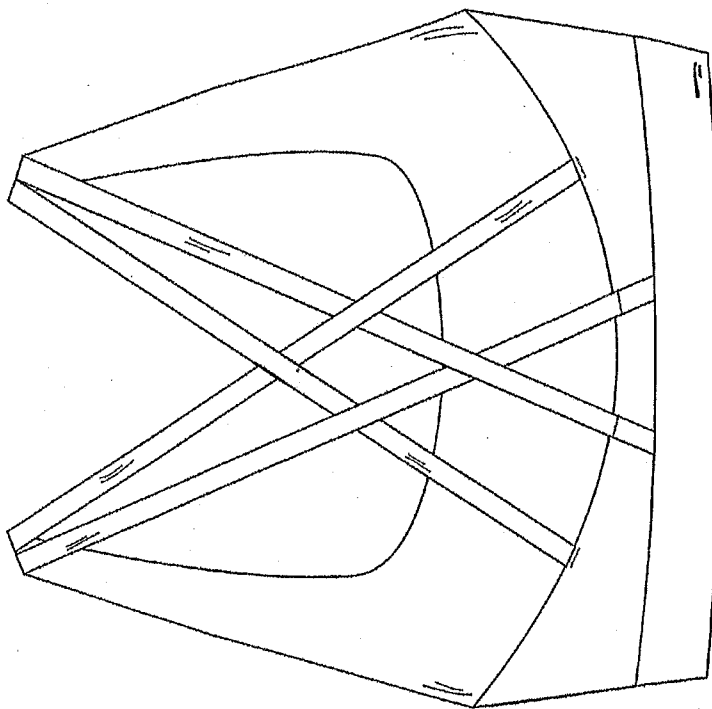


Fig. 2

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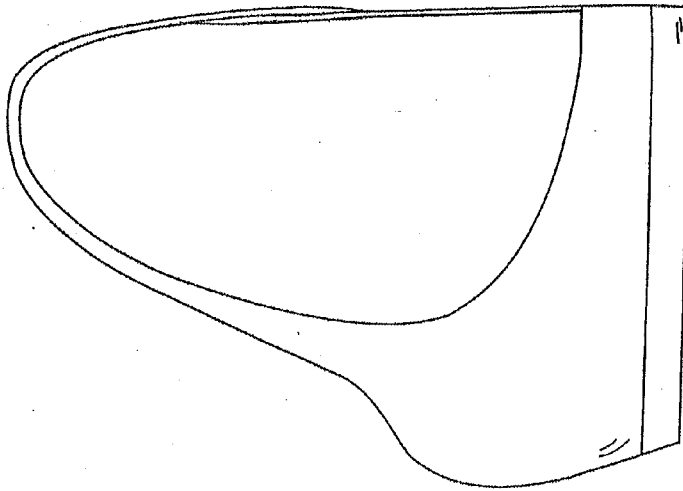


Fig. 3

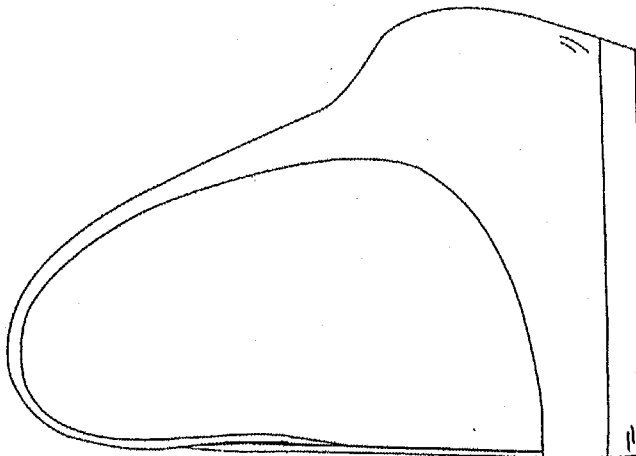
U.S. Patent

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Fig. 4



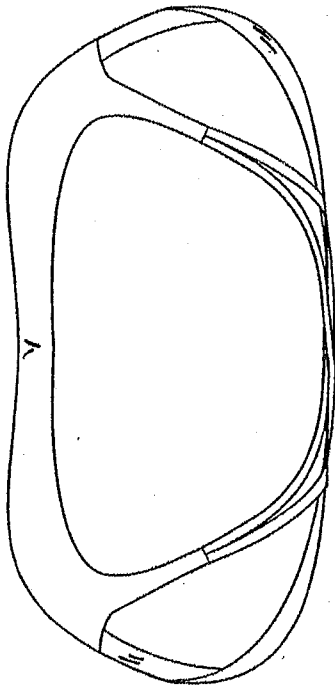
U.S. Patent

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Fig. 5



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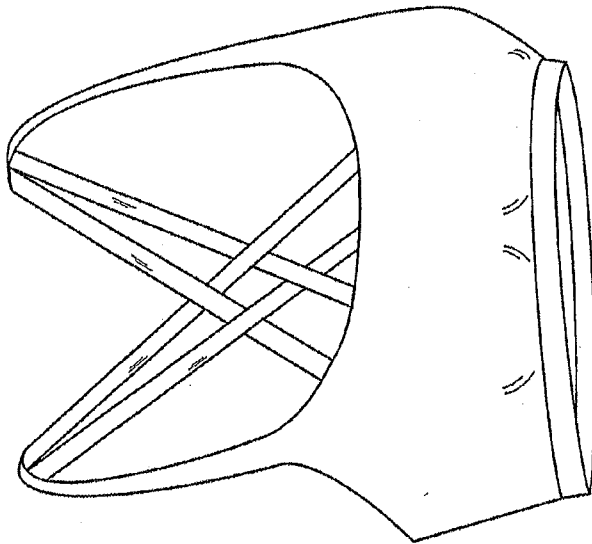


Fig. 6

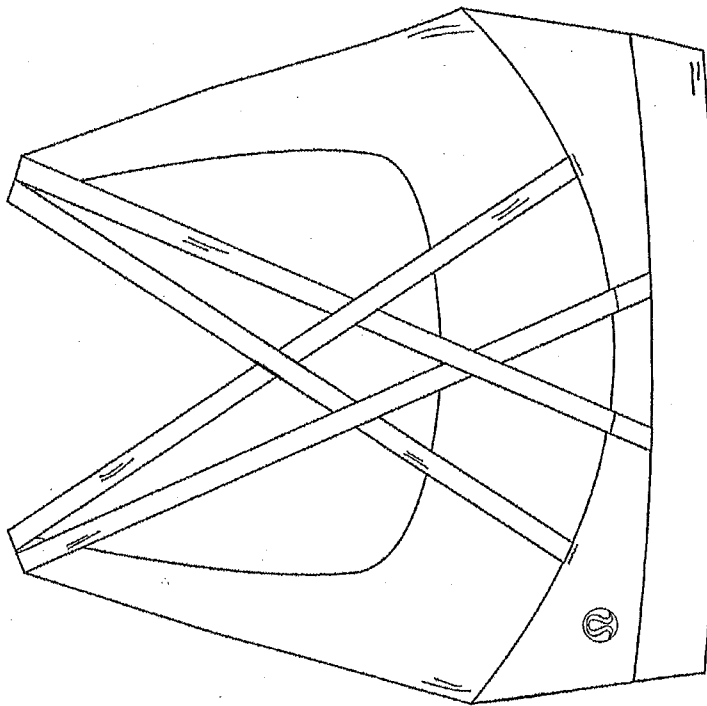
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Fig. 7



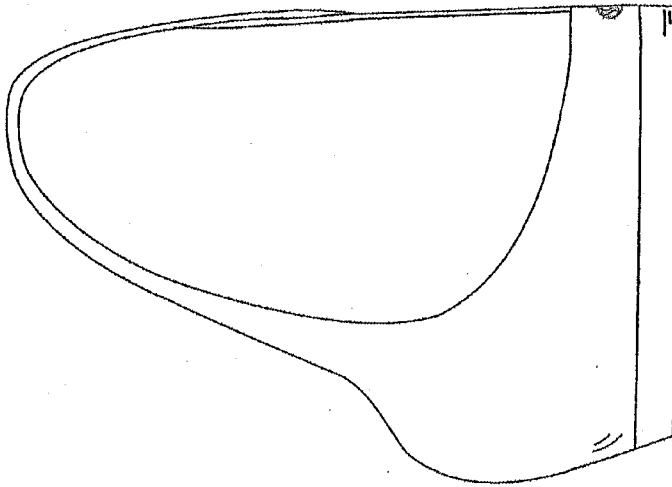
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Fig. 8





US00D759942S

(12) **United States Design Patent**
Martz

(10) **Patent No.:** **US D759,942 S**
(45) **Date of Patent:** ** ***Jun. 28, 2016**

(54) **BRA**

(71) Applicant: **lululemon athletica canada inc.,**
Vancouver (CA)

(72) Inventor: **Natalie Anne Martz, Vancouver (CA)**

(73) Assignee: **lululemon athletica canada inc.,**
Vancouver (CA)

(*) Notice: This patent is subject to a terminal disclaimer.

(**) Term: **14 Years**

(21) Appl. No.: **29/493,984**

(22) Filed: **Jun. 16, 2014**

Related U.S. Application Data

(63) Continuation of application No. 29/417,022, filed on Mar. 29, 2012, now Pat. No. Des. 709,668.

(51) **LOC (10) Cl.** **02-01**

(52) **U.S. Cl.** **D2/708**
USPC

(58) **Field of Classification Search**

USPC D2/701, 702, 703, 704, 705, 706, 707,
D2/708, 709, 710, 731, 736, 737, 793, 829,
D2/841; 2/67, 69, 104, 109, 110; 450/1, 2,
450/3, 28, 30, 34, 86, 92
CPC A41C 3/00; A41C 3/0014; A41C 3/0057
See application file for complete search history.

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Primary Examiner — Karen E. Eldridge Powers

Assistant Examiner — Jasmine Mlinarcik

(74) *Attorney, Agent, or Firm* — McCarthy Tétrault LLP

(57) **CLAIM**

The ornamental design for a bra, as shown and described.

DESCRIPTION

FIG. 1 is a front elevation view of a bra according to the design;

FIG. 2 is a rear elevation view thereof;

FIG. 3 is a right side elevation view thereof;

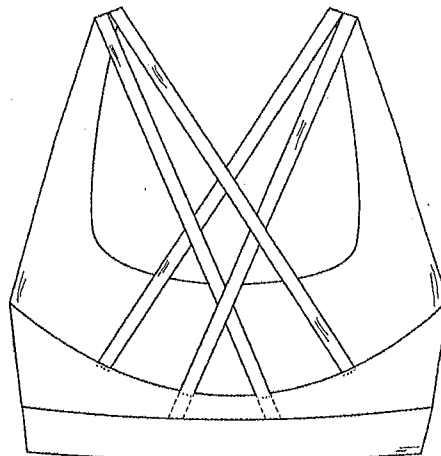
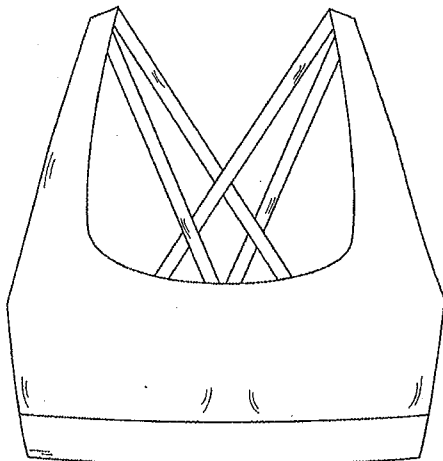
FIG. 4 is a left side elevation view thereof;

FIG. 5 is a top plan view thereof; and,

FIG. 6 is a front perspective view thereof.

The portions of the straps shown in broken lines in FIG. 2 are features of the article of manufacture that form no part of the claimed design.

1 Claim, 6 Drawing Sheets



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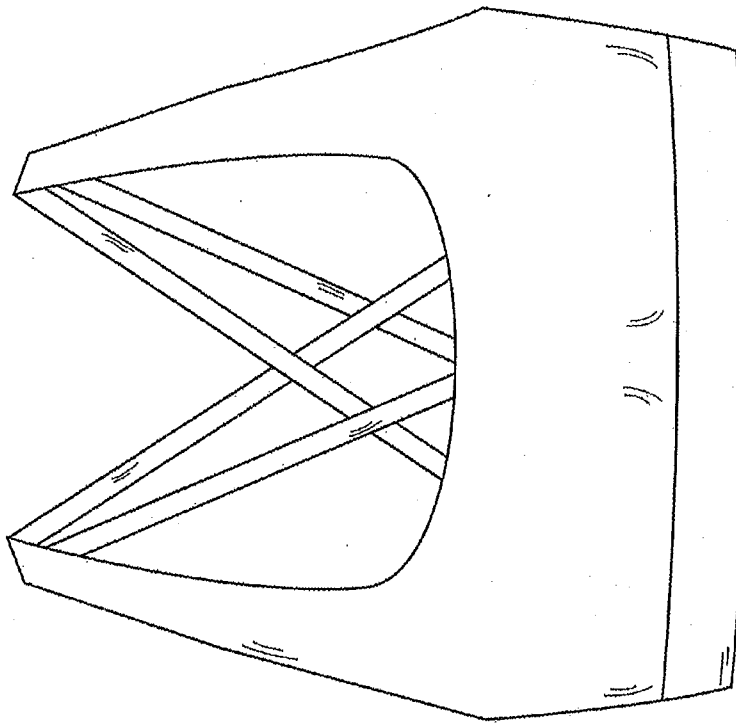


FIG. 1

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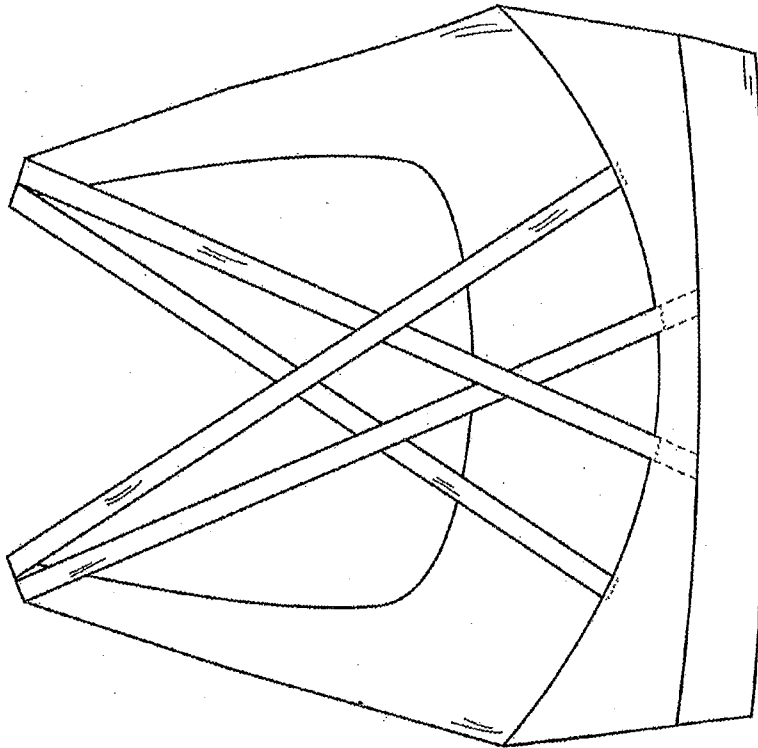


FIG. 2

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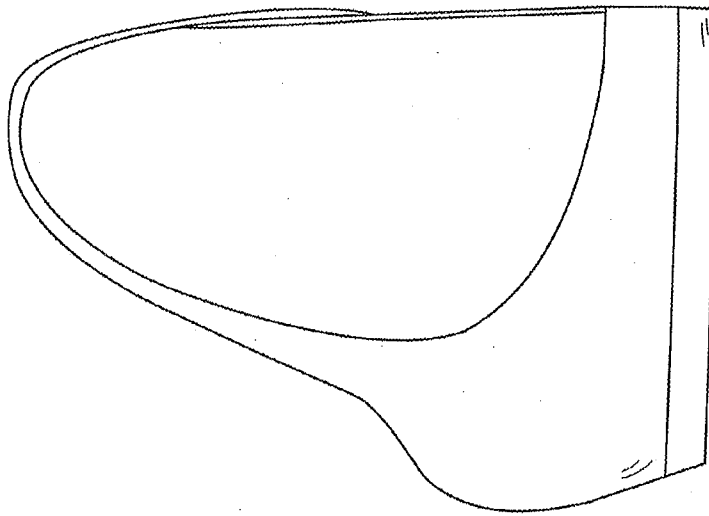


FIG. 3

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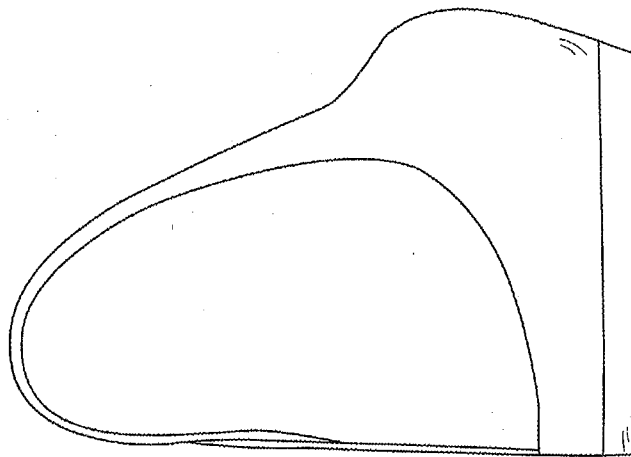


FIG. 4

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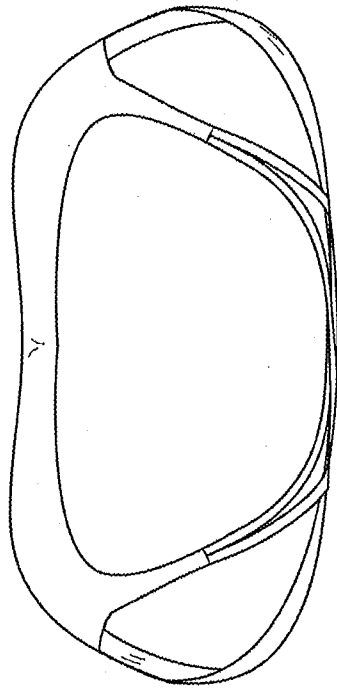


FIG. 5

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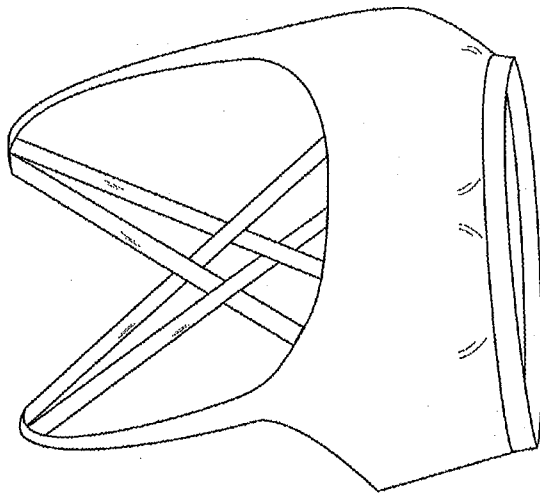


FIG. 6



US00D798539S

(12) **United States Design Patent** (10) **Patent No.:** **US D798,539 S**
Holmes (45) **Date of Patent:** **** Oct. 3, 2017**

(54) **PANTS**(71) Applicant: **LULULEMON ATHLETICA CANADA INC., Vancouver (CA)**(72) Inventor: **Brenda Marie Holmes, Vancouver (CA)**(73) Assignee: **LULULEMON ATHLETICA CANADA INC., Vancouver (CA)**(**) Term: **15 Years**(21) Appl. No.: **29/565,831**(22) Filed: **May 24, 2016**(51) **LOC (10) Cl.** **02-02**(52) **U.S. Cl.** **D2/731**(58) **Field of Classification Search**

USPC D2/742, 731, 728; D23/365; D1/116-118; D12/163

CPC . A41D 1/06; A41D 1/08; A41D 1/067; A41D 1/062; A41D 1/082; A41D 1/084; A41D 1/086; A41D 1/088; A41D 7/00; A41D 7/001; A41D 7/005; A41D 7/006; A23L 7/00; A23L 29/00; A23L 15/00

See application file for complete search history.

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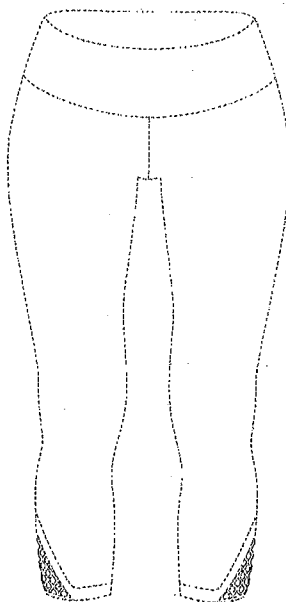
Primary Examiner — Robin V Webster*Assistant Examiner* — James C Thorn, Sr.(74) *Attorney, Agent, or Firm* — Conneely PC; Joseph Conneely(57) **CLAIM**

The ornamental design for pants, as shown and described.

DESCRIPTION

FIG. 1 is a front view of pants according to the design;
FIG. 2 is a rear view thereof;
FIG. 3 is a left side view thereof;
FIG. 4 is a right side view thereof;
FIG. 5 is a front perspective view thereof;
FIG. 6 is a rear perspective view thereof; and,
FIG. 7 is a front view thereof shown in an environment of use.

The portions of the pants shown in broken lines in FIGS. 1-7 do not form part of the claimed design. The broken line showing of the feet, arms, and torso in FIG. 7 is for the purpose of illustrating portions of the environmental structure and forms no part of the claimed design. The netting on the lower portions of the legs of the pants in FIGS. 1-7 is see-through between strands as shown.

1 Claim, 7 Drawing Sheets

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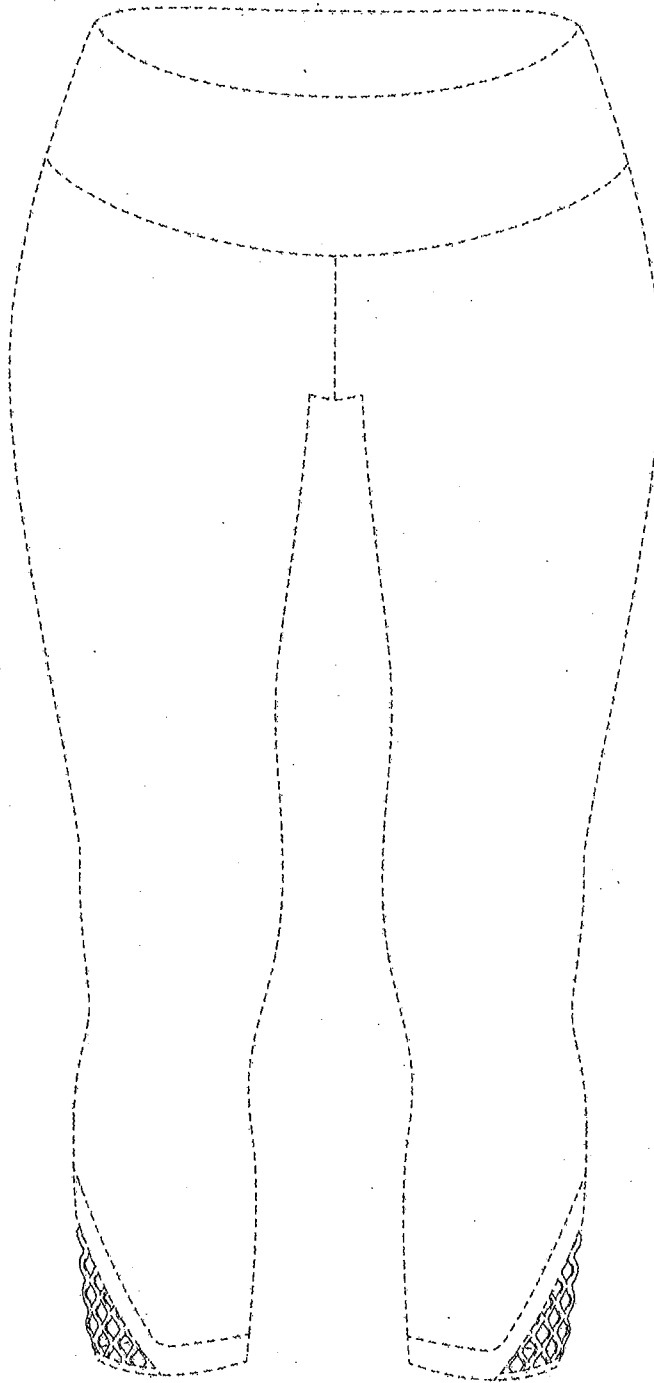


Fig. 1

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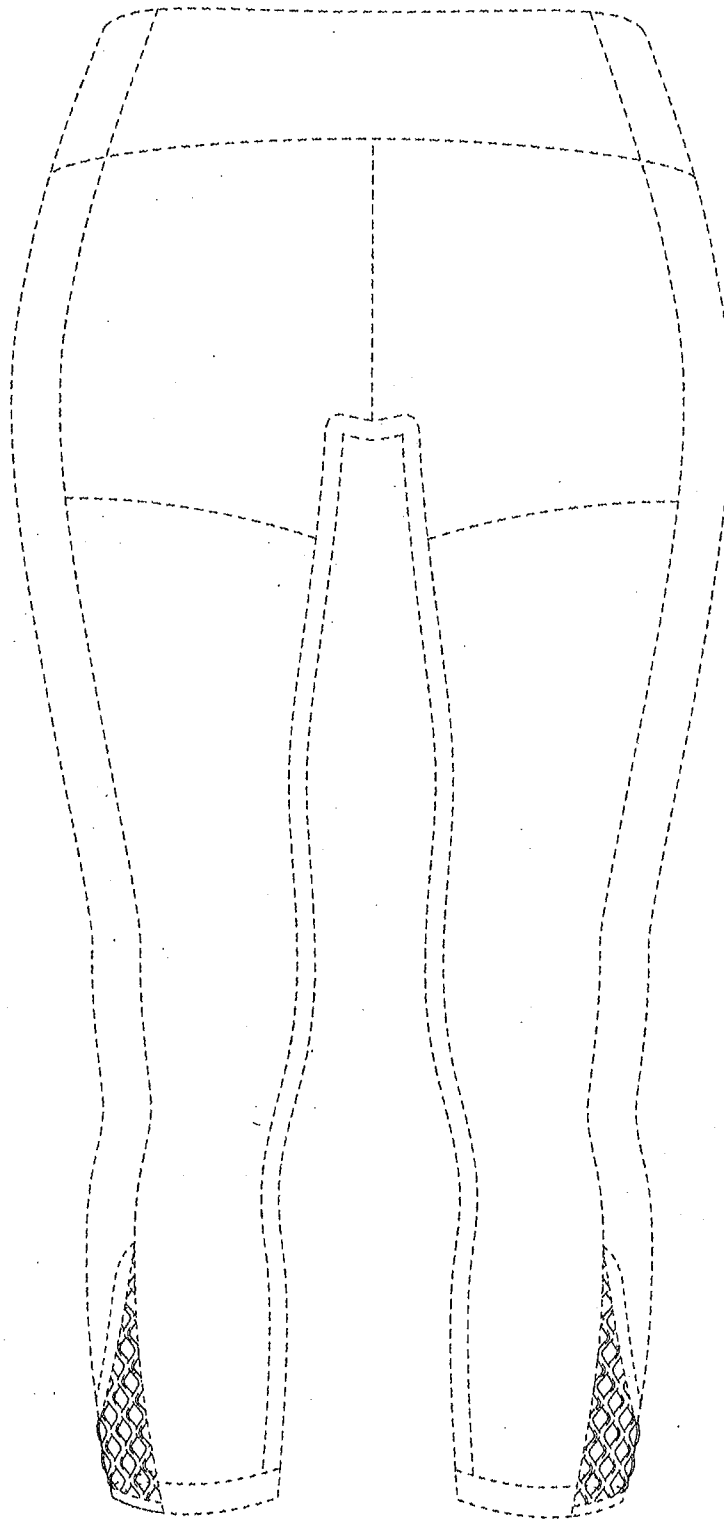


Fig. 2

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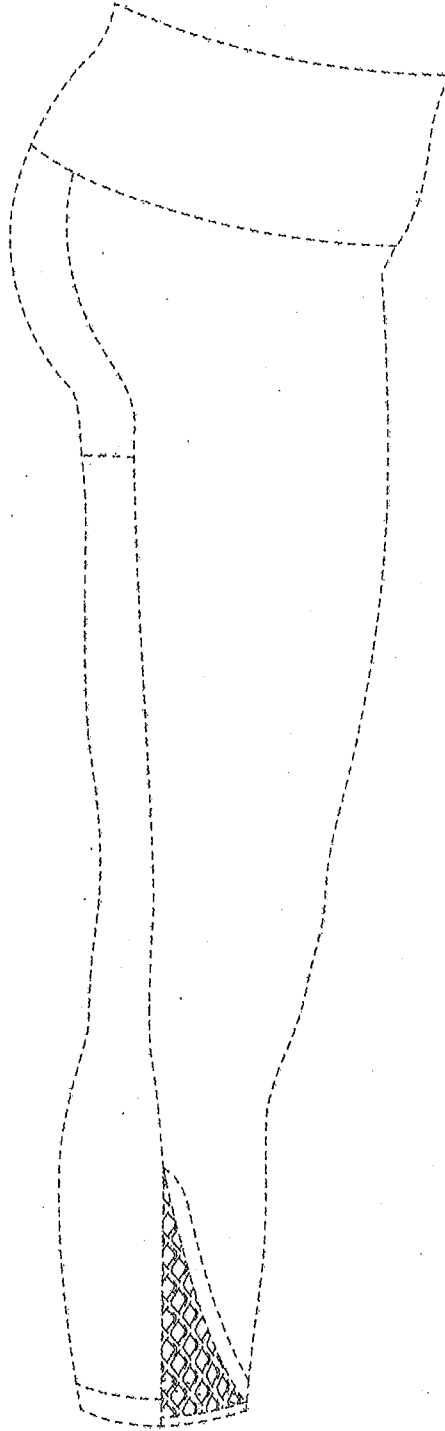


Fig. 3

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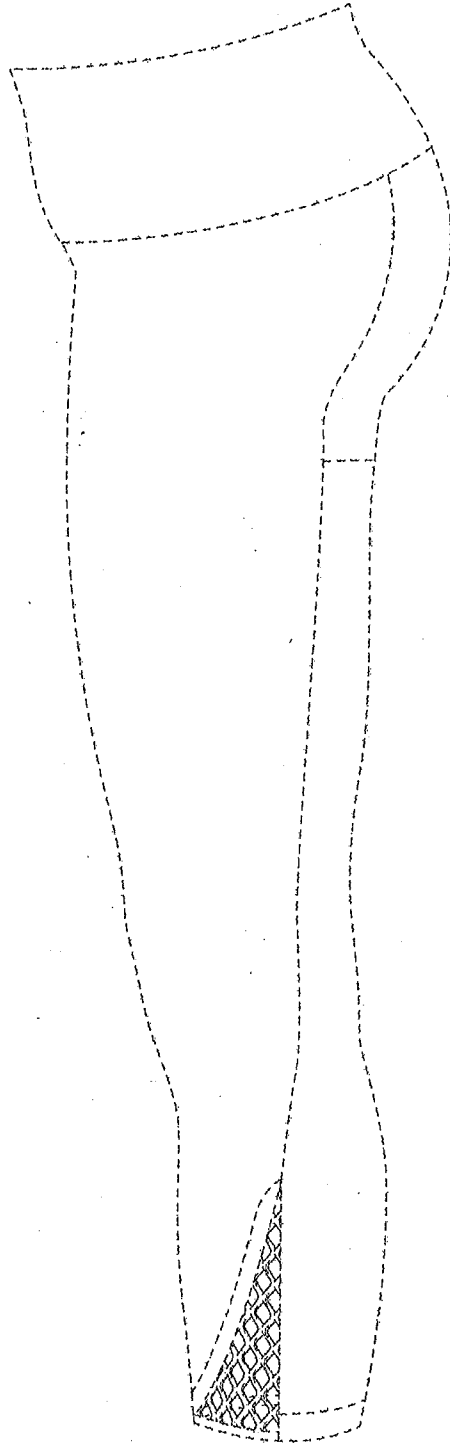


Fig. 4

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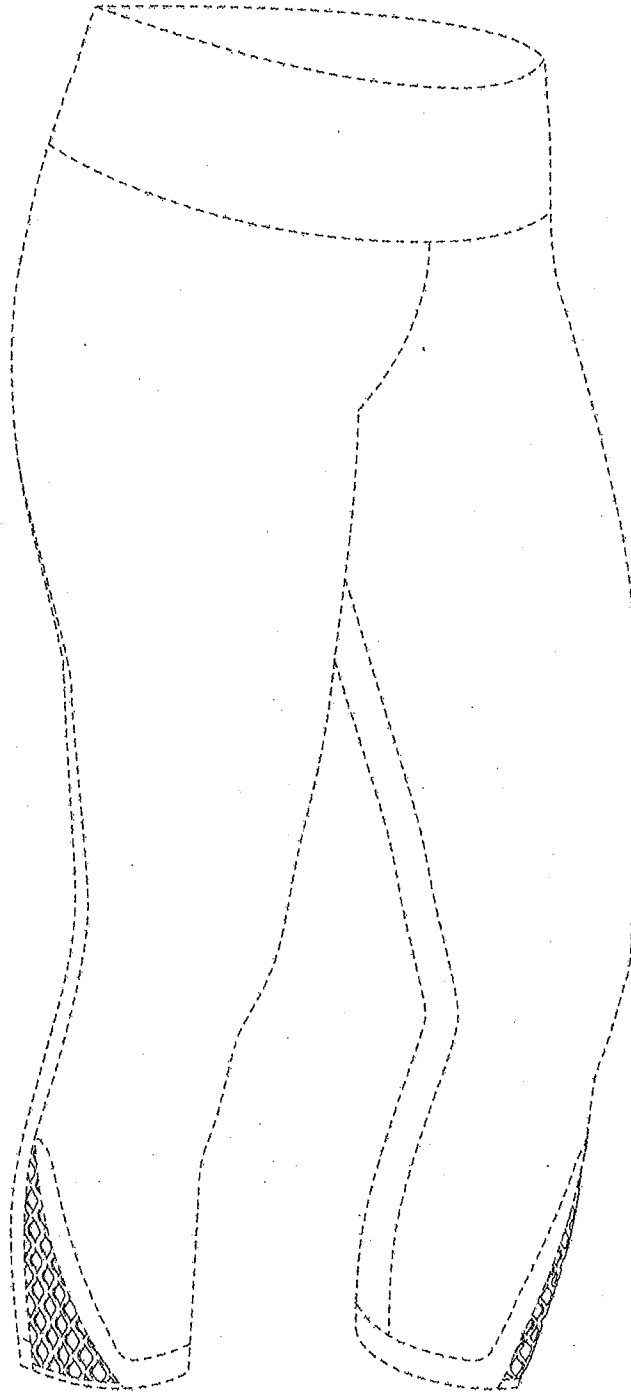


Fig. 5

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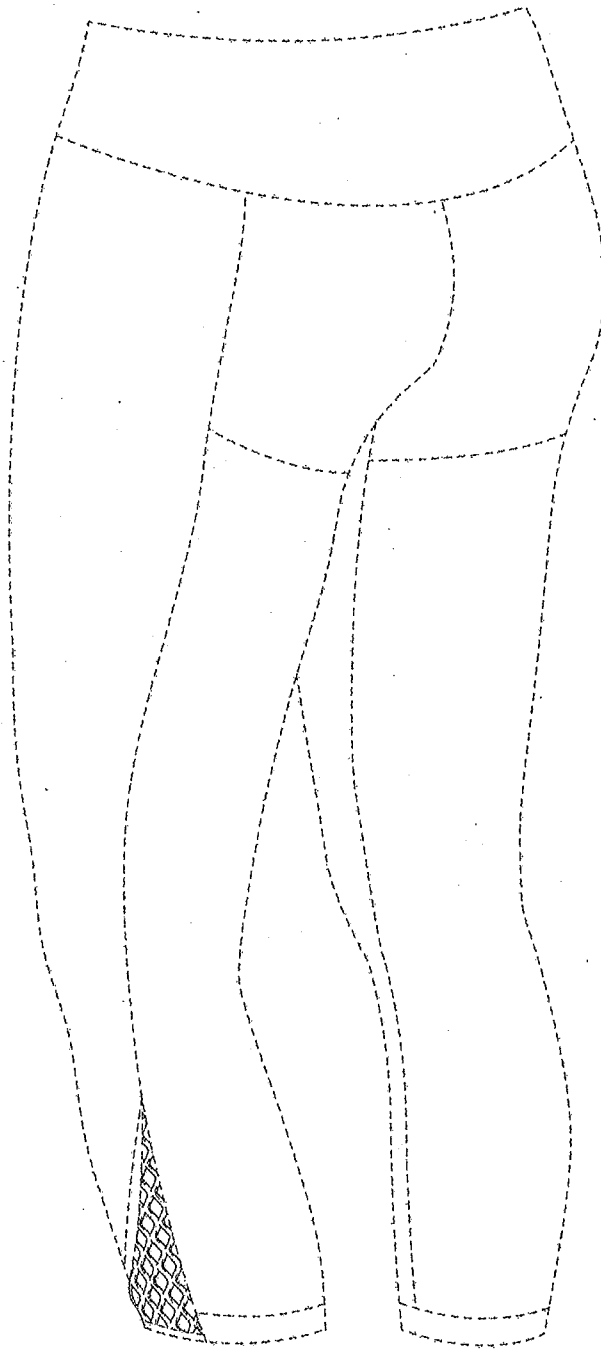


Fig. 6

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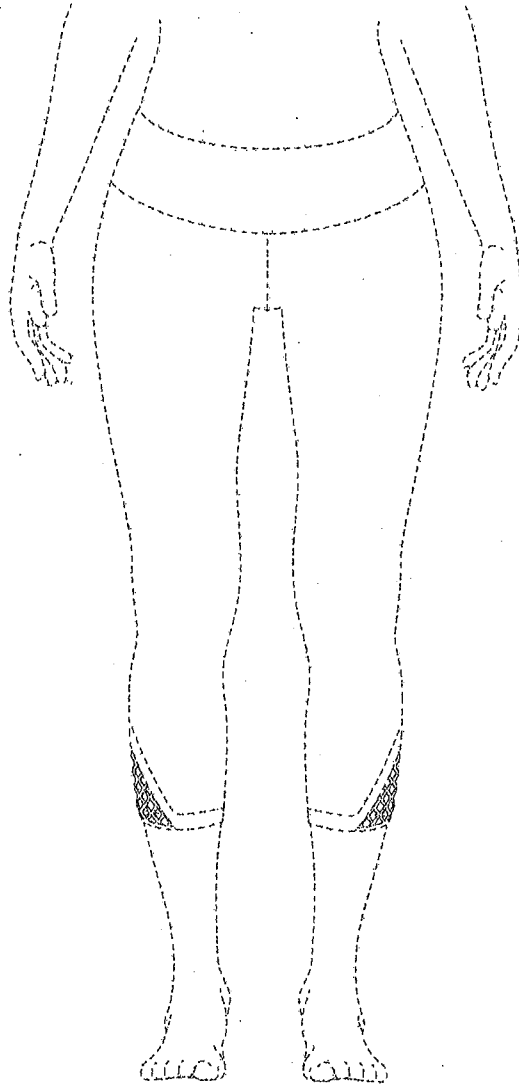


Fig. 7



US00D836291S

(12) **United States Design Patent** (10) Patent No.: **US D836,291 S**
Robertson (45) Date of Patent: **** Dec. 25, 2018**

(54) **BRA**

(71) Applicant: **LULULEMON ATHLETICA
CANADA INC., Vancouver (CA)**

(72) Inventor: **Clare Marce Robertson, Vancouver
(CA)**

(73) Assignee: **LULULEMON ATHLETICA
CANADA INC., Vancouver (CA)**

(**) Term: **15 Years**

(21) Appl. No.: **29/628,970**

(22) Filed: **Dec. 8, 2017**

(51) **LOC (11) Cl.** **02-01**

(52) **U.S. Cl.**
USPC **D2/706**

(58) **Field of Classification Search**

USPC D2/700, 702-703, 706, 708; 450/3
CPC A41D 13/05; A41D 13/0518; A41C 3/00;
A41C 1/00

See application file for complete search history.

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D708,820 S *	7/2014	Iamartino	D2/708
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Primary Examiner — Holly H Baynham

Assistant Examiner — J. Thorn, Sr.

(74) Attorney, Agent, or Firm — Conneely PC; Joseph Conneely

(57) **CLAIM**

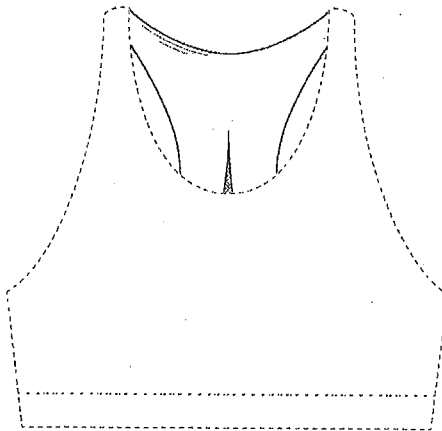
The ornamental design for a bra, as shown and described.

DESCRIPTION

FIG. 1 is a front view of a bra according to the design; FIG. 2 is a rear view thereof; FIG. 3 is a right side view thereof; FIG. 4 is a left side view thereof; FIG. 5 is a front perspective view thereof; FIG. 6 is a rear perspective view thereof; and, FIG. 7 is a reduced rear view thereof shown in an environment of use.

The portions of the bra shown in broken lines in FIGS. 1-7 do not form part of the claimed design. The broken line showing of the arms, torso, neck, and head in FIG. 7 is for the purpose of illustrating portions of the environmental structure and forms no part of the claimed design. The bold, wavy lines shown across the straps at the shoulder and at the sides of the bra in FIGS. 2-7 are for illustrating the boundary of the design only and do not form part of the claimed design. The crosshatched lines shown on the back of the bra in FIGS. 1-7 represent a transparent, translucent, or see-through mesh or sheer fabric only and do not represent any particular colour, material, texture, pattern, or finish of mesh or sheer fabric.

1 Claim, 7 Drawing Sheets



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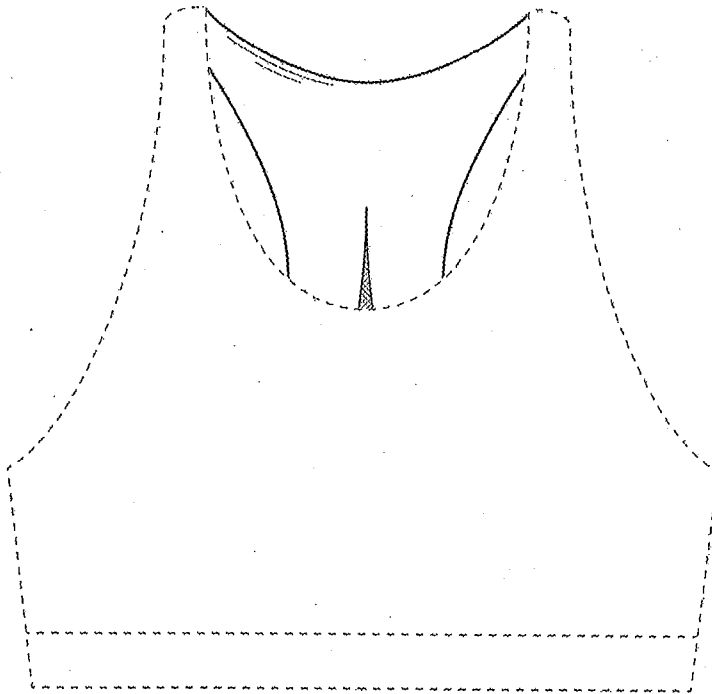


FIG. 1

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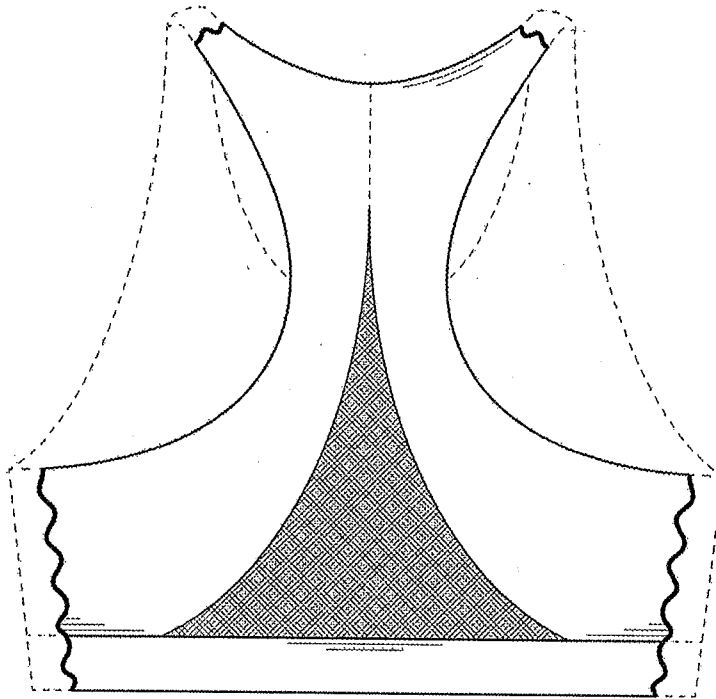


FIG. 2

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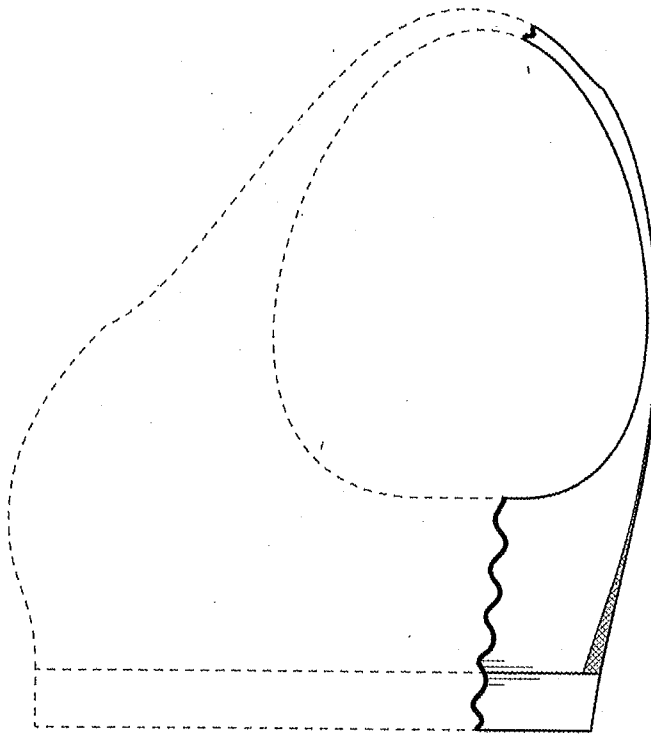


FIG. 3

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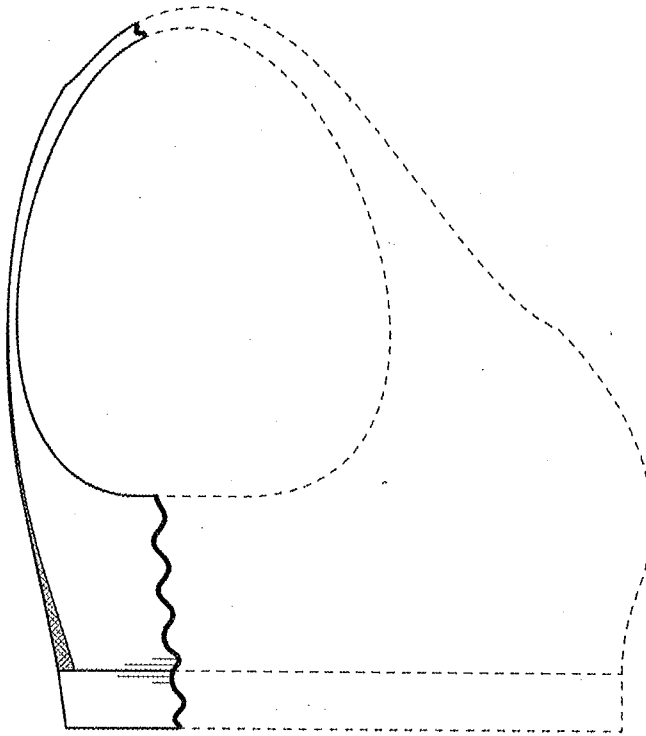


FIG. 4

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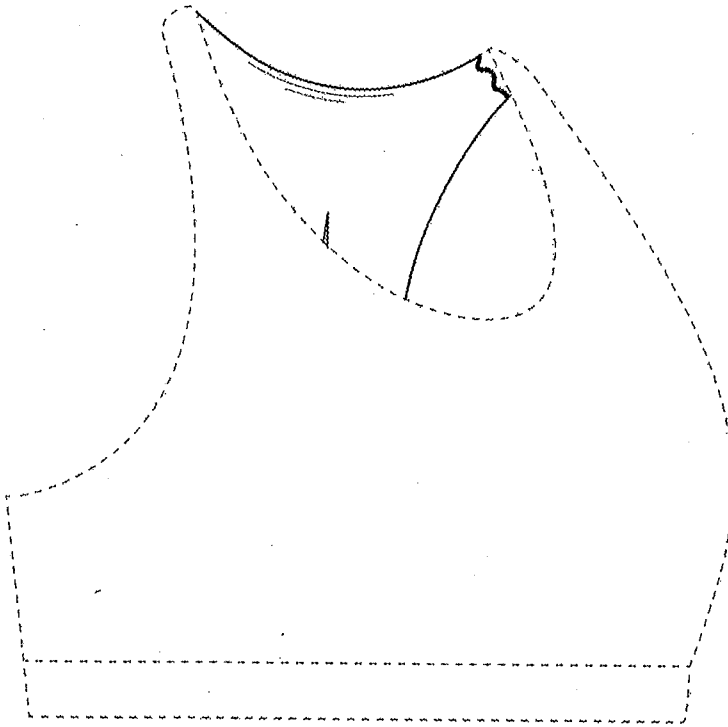


FIG. 5

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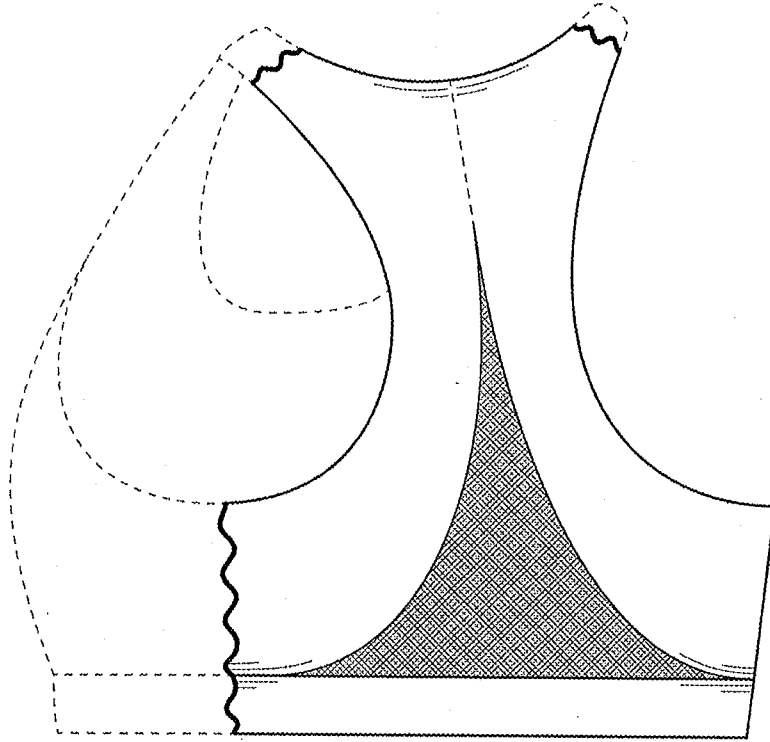


FIG. 6

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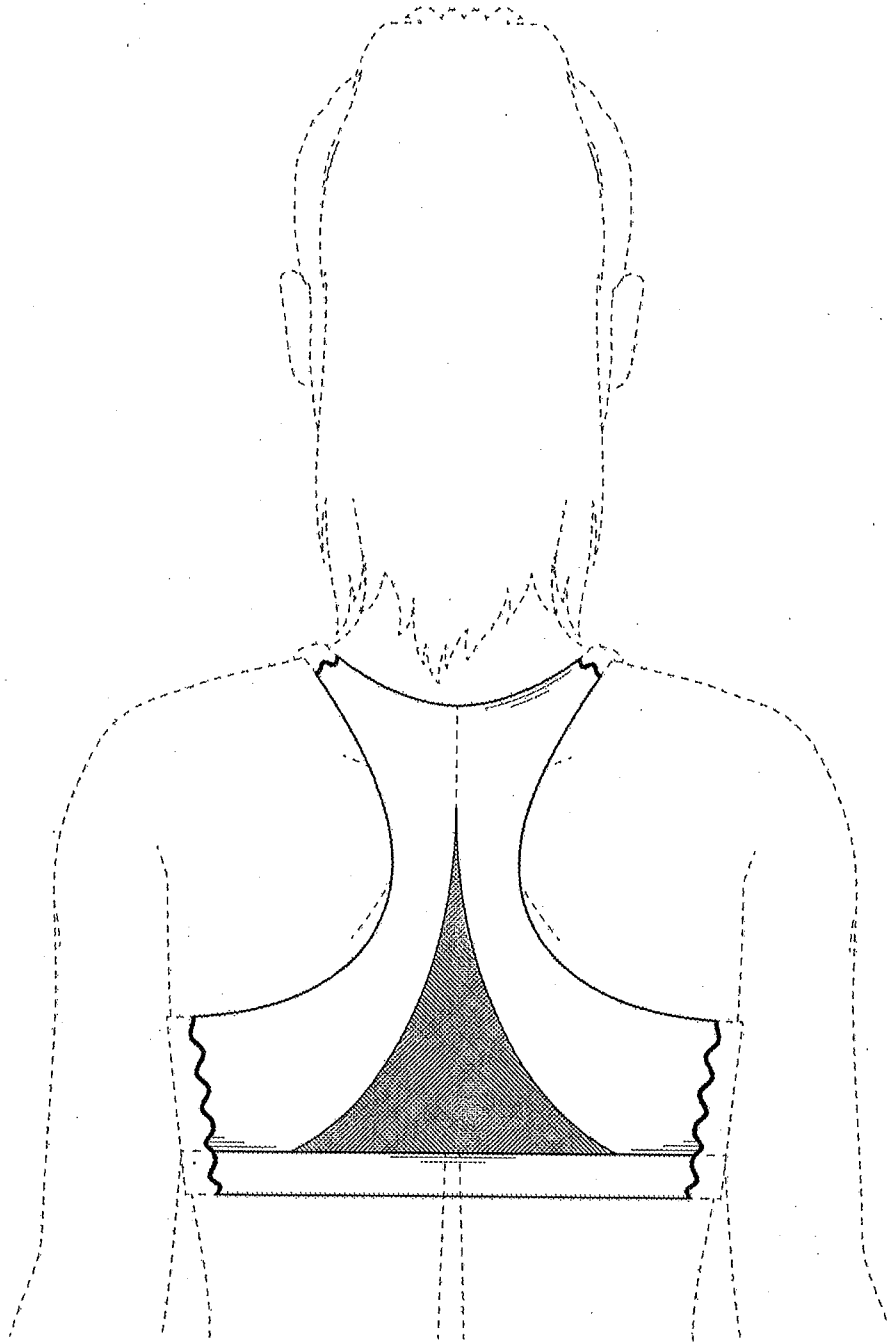


FIG. 7



US00D903233S

(12) **United States Design Patent** (10) Patent No.: **US D903,233 S**
Yaremenko (45) Date of Patent: **** Dec. 1, 2020**

(54) **GARMENT**

(71) Applicant: **LULULEMON ATHLETICA CANADA INC., Vancouver (CA)**

(72) Inventor: **Yuliya Victorivna Yaremenko, Vancouver (CA)**

(73) Assignee: **LULULEMON ATHLETICA CANADA INC., Vancouver (CA)**

(**) Term: **15 Years**

(21) Appl. No.: **29/706,260**

(22) Filed: **Sep. 19, 2019**

(51) LOC (12) Cl. **02-01**

(52) U.S. Cl. **D2/706; D2/731**

(58) Field of Classification Search
 USPC **D2/706-709, 731**
 CPC **A41C 3/00; A41C 3/0057; A41C 3/124**
 See application file for complete search history.

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Primary Examiner — Barbara Fox

Assistant Examiner — J. Thorn, Sr.

(74) Attorney, Agent, or Firm — Conneely PC; Joseph Conneely

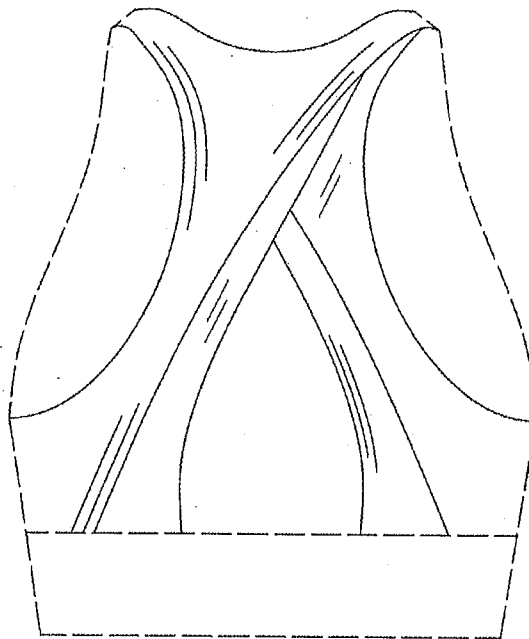
(57) **CLAIM**

The ornamental design for a garment, as shown and described.

DESCRIPTION

FIG. 1 is a front view of a garment according to the design; FIG. 2 is a rear view thereof; FIG. 3 is a right side view thereof; FIG. 4 is a left side view thereof; FIG. 5 is a front perspective view thereof; FIG. 6 is a rear perspective view thereof; and, FIG. 7 is a rear view thereof shown in an environment of use. The portions of the garment shown in broken lines in FIGS. 1-7 do not form part of the claimed design. The broken line showing of the arms, torso, neck, and head in FIG. 7 is for the purpose of illustrating portions of the environmental structure and forms no part of the claimed design.

1 Claim, 7 Drawing Sheets



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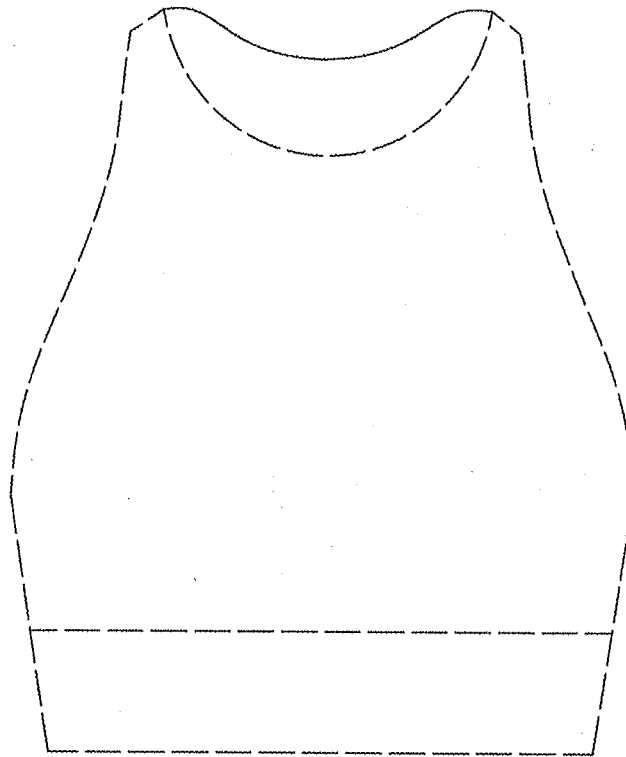


FIG. 1

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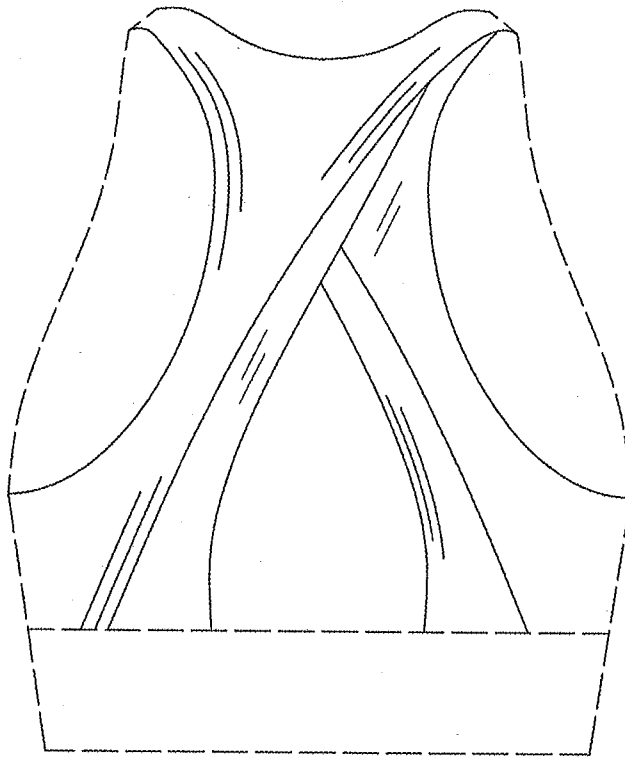


FIG. 2

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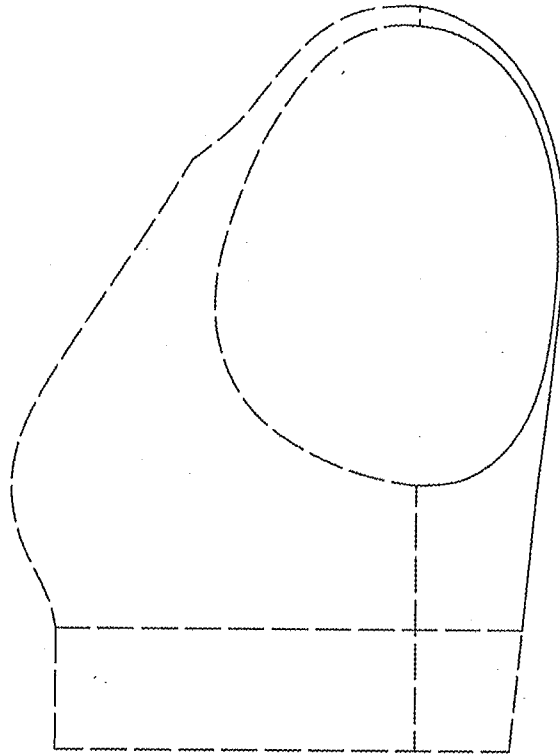


FIG. 3

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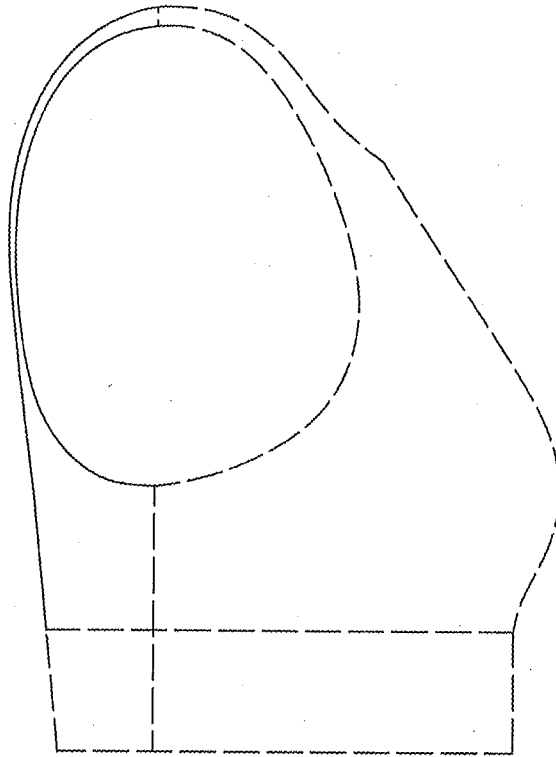


FIG. 4

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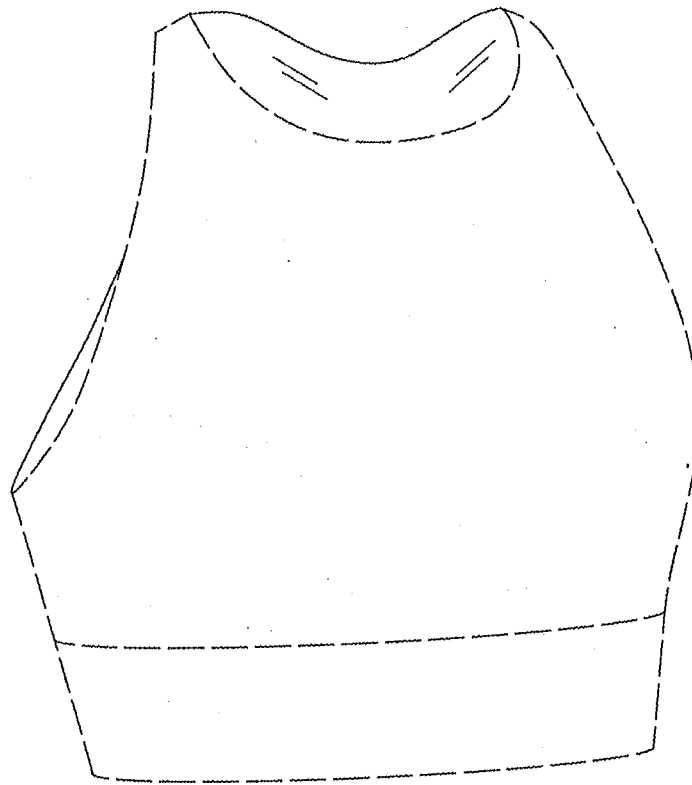


FIG. 5

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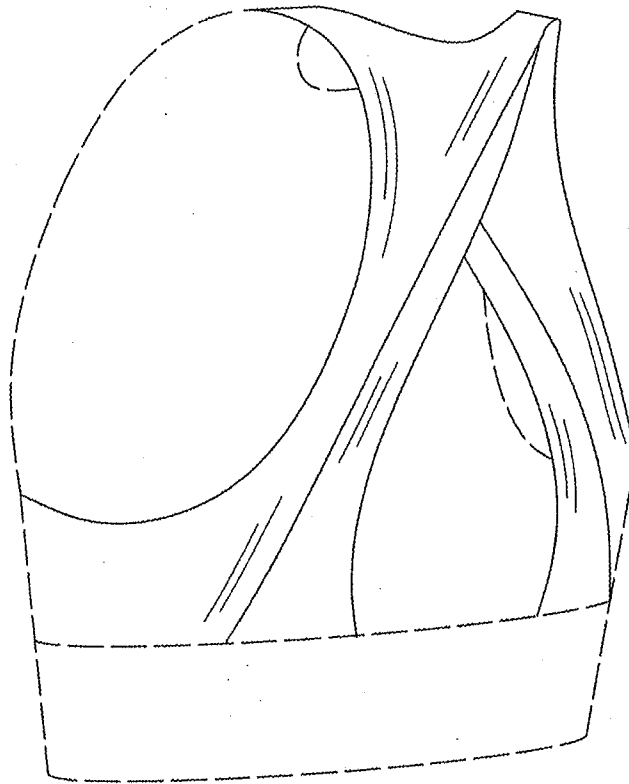


FIG. 6

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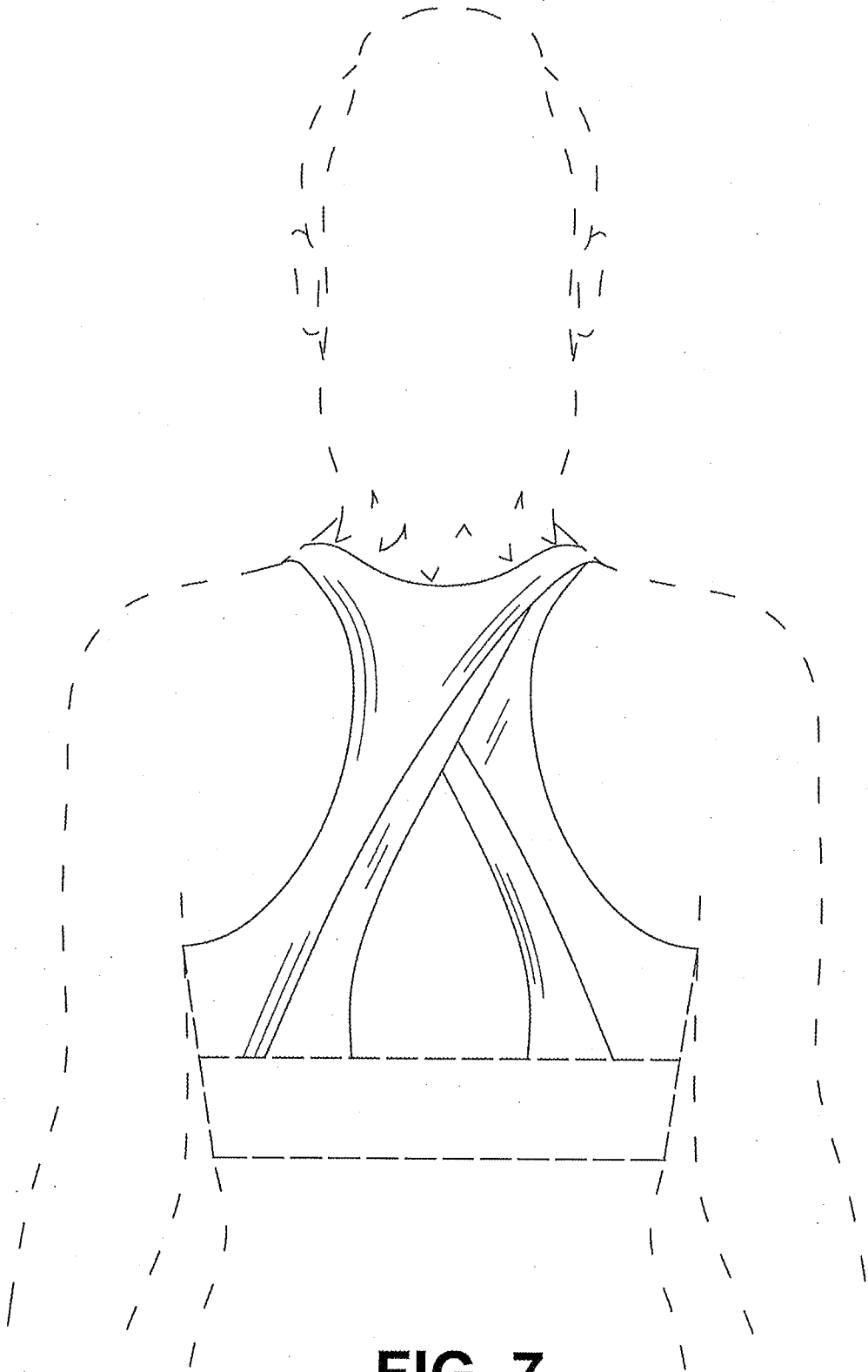


FIG. 7



US00D923914S

(12) **United States Design Patent** (10) **Patent No.:** **US D923,914 S**
Breitwieser (45) **Date of Patent:** **** Jul. 6, 2021**

(54) **BRA**
 (71) Applicant: **LULULEMON ATHLETICA**
CANADA INC., Vancouver (CA)
 (72) Inventor: **Julia Breitwieser, Vancouver (CA)**
 (73) Assignee: **LULULEMON ATHLETICA**
CANADA INC., Vancouver (CA)

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(**) Term: **15 Years**

(21) Appl. No.: **29/690,486**

(22) Filed: **May 8, 2019**

(51) **LOC (13) Cl.** **02-01**

(52) **U.S. Cl.** **D2/706**
 USPC **D2/706**

(58) **Field of Classification Search**
 USPC **D2/706-709, 736-737**
 CPC **A41C 3/00; A41C 3/0057**
 See application file for complete search history.

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Primary Examiner — Kevin K Rudzinski

Assistant Examiner — J. Thorn, Sr.

(74) *Attorney, Agent, or Firm* — Conneely PC; Joseph Conneely

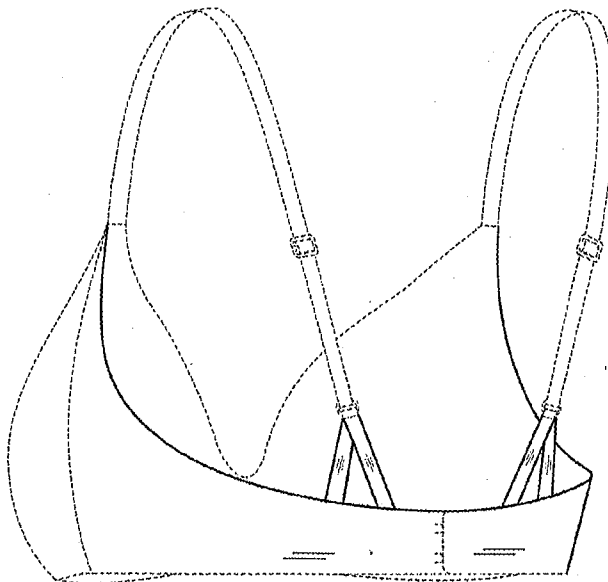
(57) CLAIM

The ornamental design for a bra, as shown and described.

DESCRIPTION

FIG. 1 is a front view of a bra according to the design;
 FIG. 2 is a rear view thereof;
 FIG. 3 is a left side view thereof;
 FIG. 4 is a right side view thereof;
 FIG. 5 is a front perspective view thereof;
 FIG. 6 is a rear perspective view thereof;
 FIG. 7 is a front view thereof shown in an environment of use; and,
 FIG. 8 is a rear view thereof shown in an environment of use.
 The portions of the bra shown in broken lines in FIGS. 1-8 do not form part of the claimed design. The broken line showing of the arms, torso, neck, and head in FIGS. 7-8 is for the purpose of illustrating portions of the environmental structure and forms no part of the claimed design.

1 Claim, 8 Drawing Sheets



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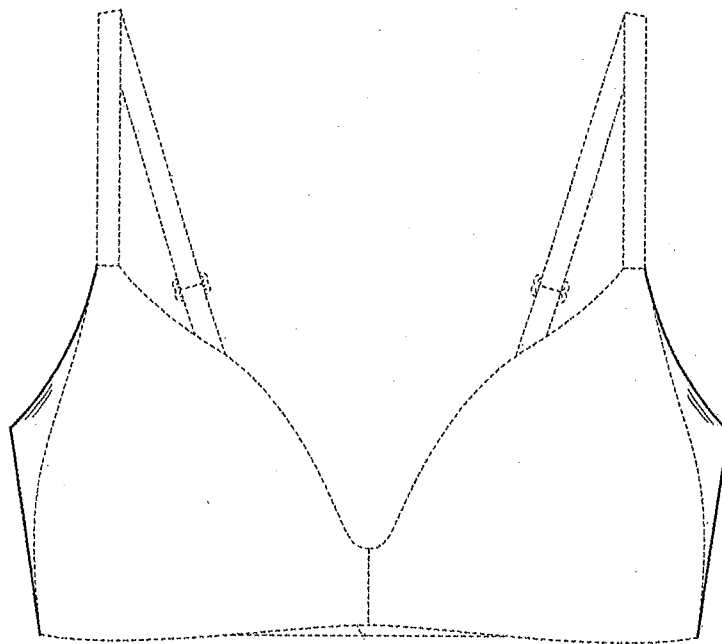


FIG. 1

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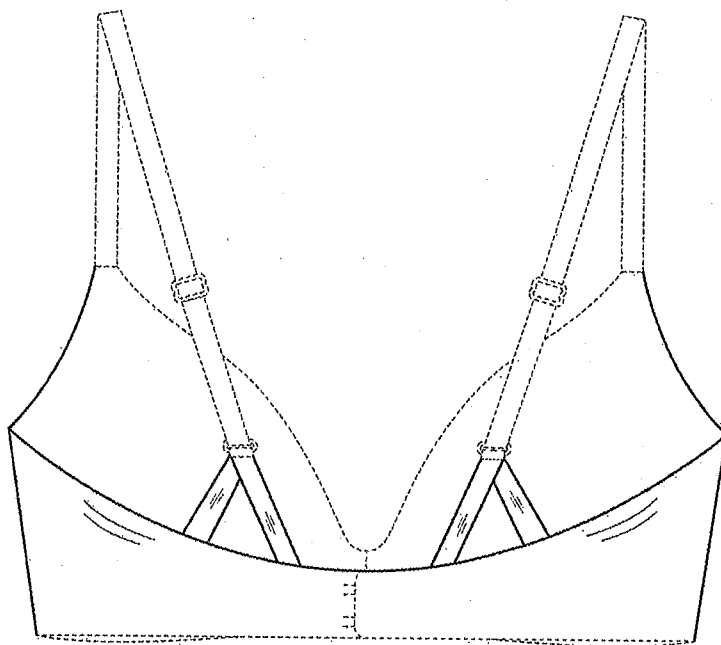


FIG. 2

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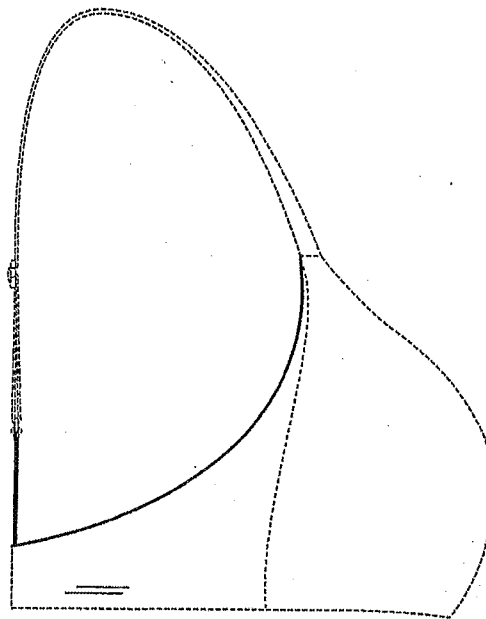


FIG. 3

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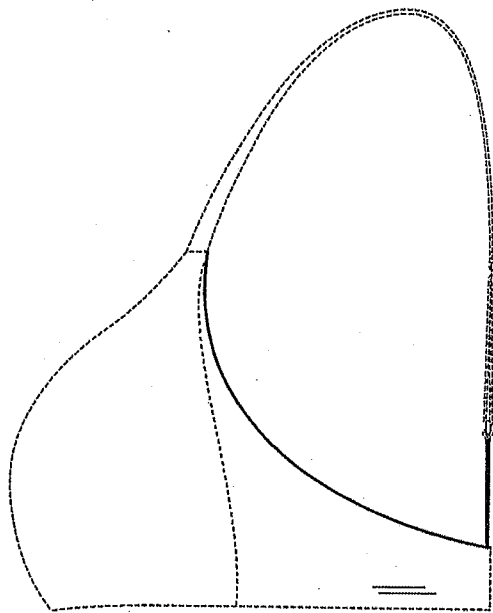


FIG. 4

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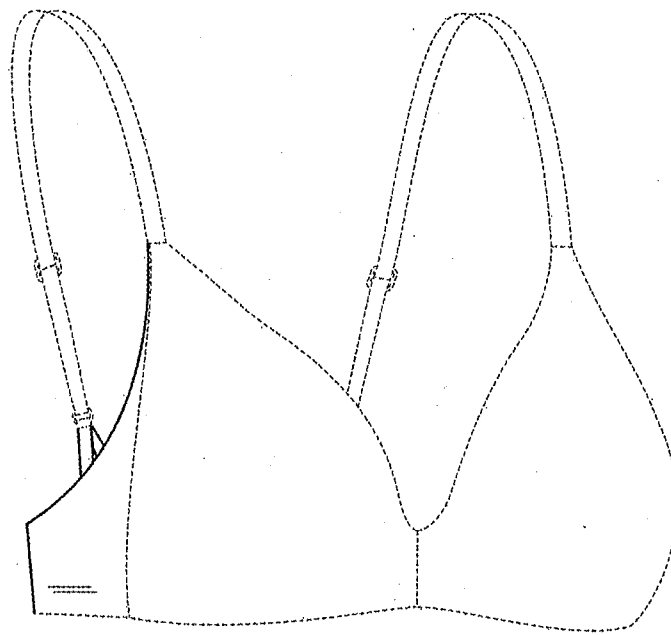


FIG. 5

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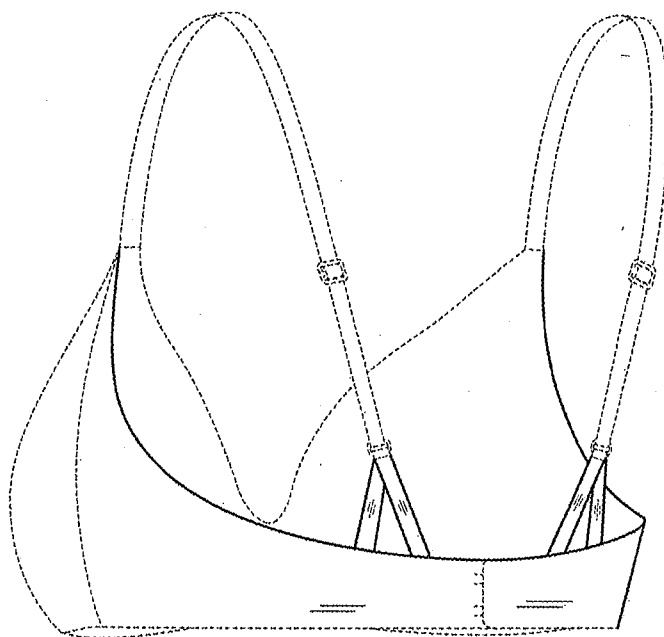


FIG. 6

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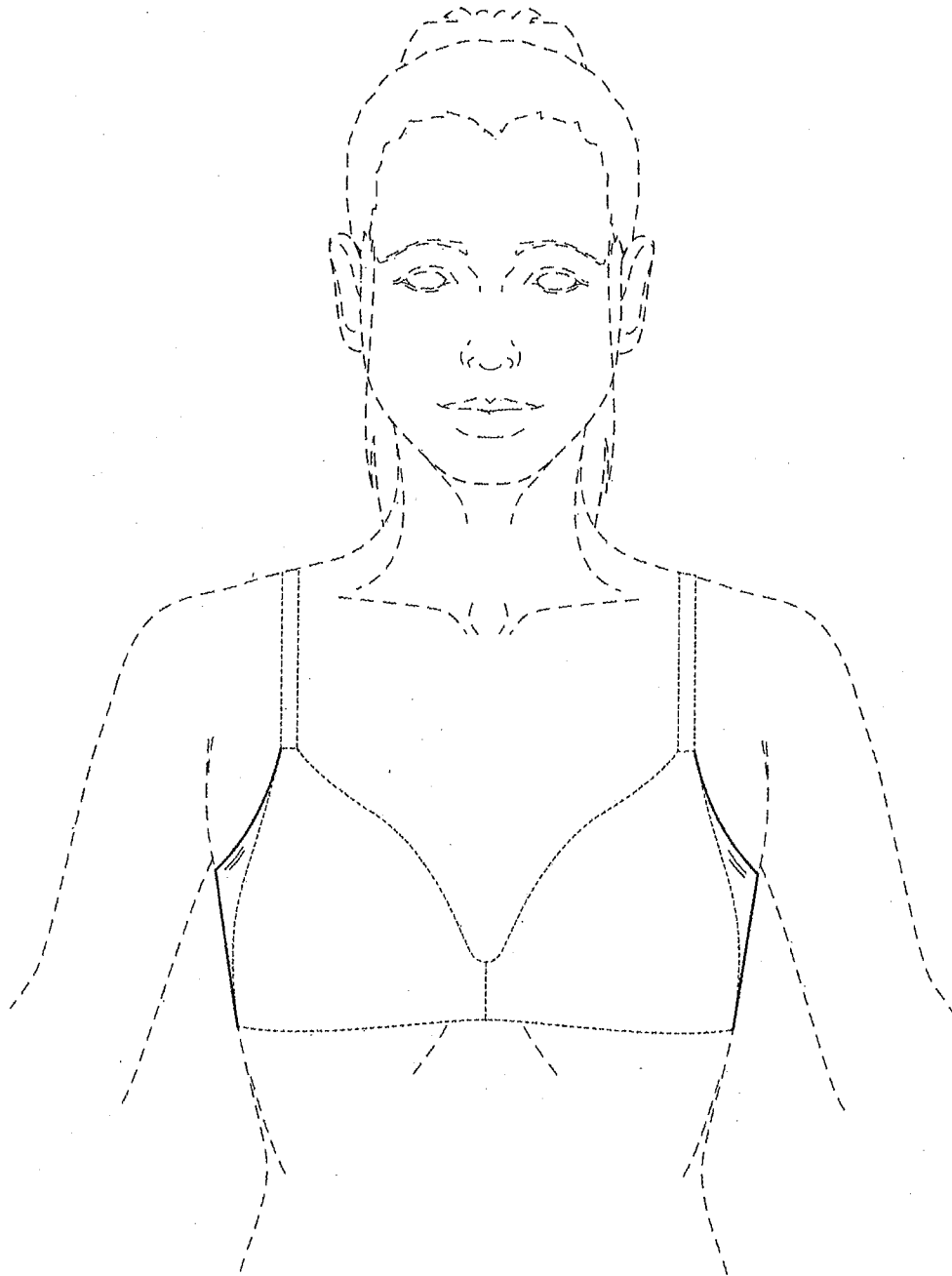


FIG. 7

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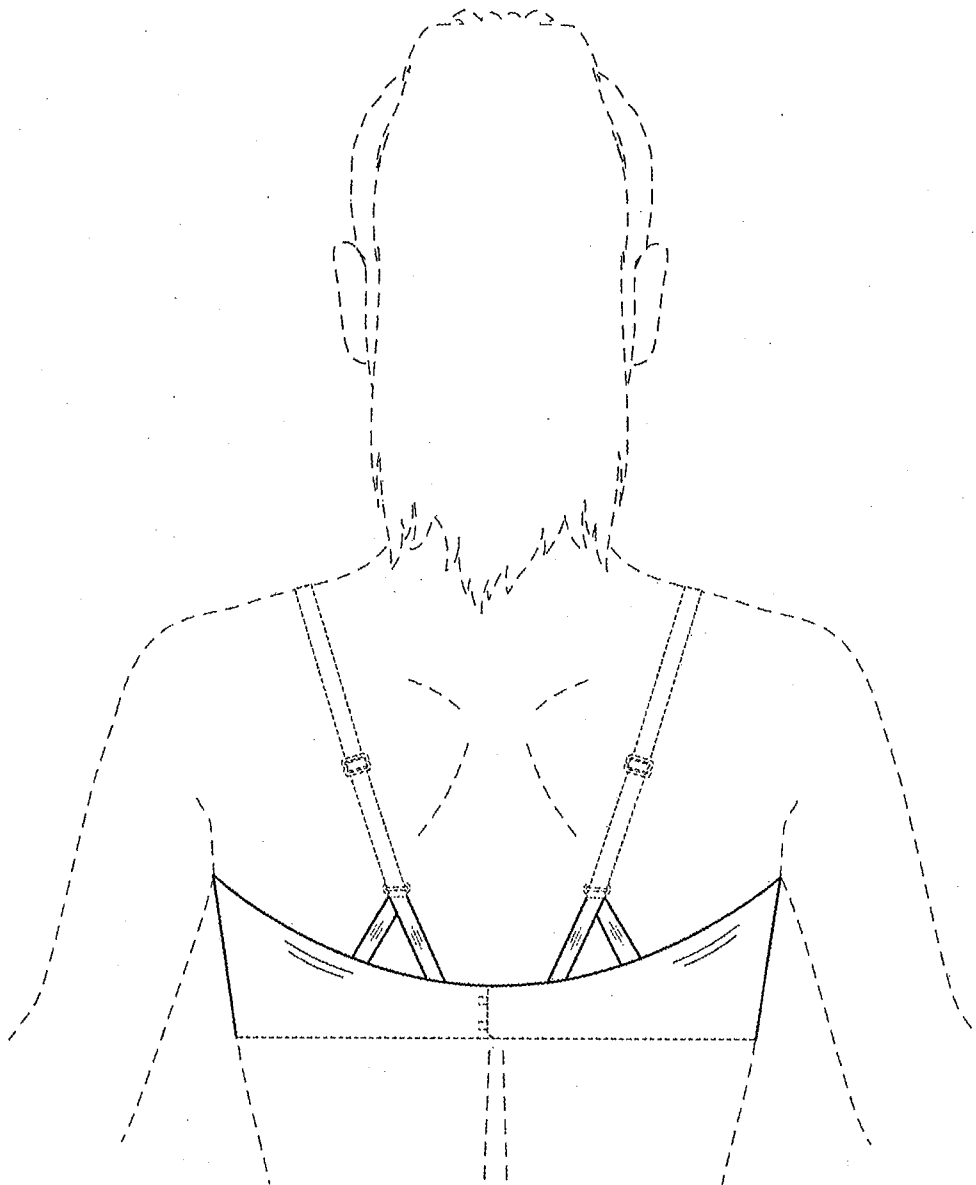


FIG. 8